



# VISALIA POLICE DEPARTMENT

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## Community Update

Assembly Bill 3218, was recently signed into law, amending California’s flavored tobacco ban with some provisions of the law going into effect on January 1, 2025.

**Cooling Products:** AB 3218 modified the definition of “characterizing flavor” to clarify the ban applies to products that provide a “cooling sensation”, even if the product otherwise contains no characterizing flavor. This includes tobacco and unflavored nicotine products marketed as “chill”, “ice”, or “cool”, as well as other tobacco products marketed as providing a non-mint cooling sensation during use.

**Nicotine Analogs:** AB 3218 expanded the definition of “tobacco products” to include nicotine analogs. Products covered by this definition likely include packaging that states the product is “nicotine free” or “not subject to FDA regulation” and purports to provide a nicotine-like experience.

**Non-Nicotine E-Cigarettes:** The definition of tobacco products under California’s flavor ban includes any “electronic device that delivers nicotine *or other vaporized liquids* to a person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.” Subject to limited exemptions for certain nicotine replacement and cannabis products, flavored e-cigarettes, regardless of the type of liquid they vaporize, and including those that contain vitamins, violate California’s flavor ban law.

**Clear Products:** California’s flavor ban law establishes a rebuttal presumption that a tobacco product is flavored where its manufacturer or agent “has made a statement or claim to consumers or the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product’s labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.” Clear products that contain statements or images communicating that they are flavored are prohibited under California’s flavor ban law.

**Flavor Enhancers:** A flavor enhancer is “a product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a tobacco product. The retail sale of flavor enhancers continues to be prohibited under California’s flavor ban law.



The Visalia Police Department, in partnership with the State of California Department of Justice, is committed to protecting children from tobacco and nicotine addiction, as nearly nine in ten daily smokers begin smoking before the age of 18.

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